

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05 CR 240

Timothy Vallejo

Defendant.

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**SENTENCING MEMORANDUM**

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**INTRODUCTION**

On April 19, 2003 Kevin Hirschfield was killed. Tim Vallejo was one of the three people who shot him.

According to a witness who was with Mr. Hirschfield, four people left a bar and stopped at a Speedway Gas Station. As they arrived they saw a man being beaten by some people who were later determined to be Latin Kings. Mr. Hirschfield tried to help the man in distress.

Tim Vallejo was in a home near the gas station during the fight, and had no involvement. During the incident, however, he learned a fight was occurring and ran to help. He was drunk and he was armed.

As he arrived at the incident Mr. Vallejo was ordered by Armando Barragan ("Inca" of the Latin Kings) to kill Mr. Hirschfield.

Timothy Vallejo killed Kevin Hirschfield. He was 17 years old.

The murder of Kevin Hirschfield cannot be diminished. Mr. Vallejo does not wish to do so. Nor does he wish to minimize his other activities with the street gang. He is guilty.

Mr. Vallejo indicates that he joined the Latin Kings in 2001. That was the date of a ceremony. Realistically, he was born into the Latin Kings. His cousin, Alex Vallejo, was indicted in 1998 for homicides on behalf of the Kings. His older brother committed a homicide on behalf of the Latin Kings. The Latin King "aura" surrounded his whole life. To the point that when the head of the Latin Kings told him to kill, he killed.

Now, when it is too late for Mr. Hirschfield, Mr. Vallejo recognizes where the Kings led him, and where he let himself go. He personally does not wish to shift responsibility. He acknowledges that there is nothing to do to erase what he has done.

Nonetheless, he attempts to improve, for his family. He has rejected the gang. He has assisted in raising his daughter (from jail), completed his HSED and has been participating with Waukesha Country Technical College programming at the Waukesha County Jail. He has turned to prayer and family. (He has requested to marry, but apparently the Waukesha County Jail will not permit it). As he says, he is determined to succeed. His prior conduct certainly alters how he can ultimately define

success, but there has already been progress in his difficult rejection of the gang. This rightfully means little to nothing to his victims and he is prepared to accept responsibility for his actions.

#### **CONCLUSION**

The court is well familiar with the requirements of Booker et al, and they will not be repeated here. Simply put, the court must impose a sentence which is "sufficient but not greater than necessary" to achieve the purposes set forth in 18 USC §3553, after considering the relevant factors. The sentencing guidelines call for a sentence of 360 months to life. The defendant requests a sentence below the guideline range.

Dated: January 20, 2010

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